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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,696	12/14/2000	Katsumi Tahara	450119-4960	3253

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EXAMINER

NGUYEN, HUY THANH

ART UNIT PAPER NUMBER

2616

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,696

Applicant(s)

TAHARA ET AL.

Examiner

HUY T NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,12,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,6,13 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/2000</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In section Brief Description of Drawings , the description for each figure should be provided in a separate paragraph .

The specification lacks following section headings

(f) BRIEF SUMMARY OF THE INVENTION.

(h) DETAILED DESCRIPTION OF THE INVENTION.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1, 5, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosugi (WO98/54899) (U.S. patent 6.798.756 corresponds to WO 98/54890 and used as English translation for WO 98/54890) in view of Eto (5,917,988).

Regarding claims 1, 5, 12 and 15, Kosugi discloses a data transmission method for transmitting a serial digital interface transmission packet (SDTI) data in which an interval of each line of a video frame comprises an end synchronizing code area EAV into which an end synchronizing code is inserted, an ancillary data area into which ancillary data is inserted, a start synchronizing code area SAV into which a start synchronizing code is inserted and a payload area into which main data comprising video data and/or audio data is inserted (Fig. 4, column 9, column 13, lines 20-25).

Kosugi fails to teach inserting data containing extension data having editing point information at a picture unit.

Eto teaches an apparatus for forming data packets and inserting editing point information at a picture unit and transmitting the editing point information with the main data (Figs. 2, 4, 7, column 2, lines 40-55). It would have been obvious to one of ordinary skill in the art to modify Kosugi with Eto by providing the payload data with extension data including editing point information thereby accurately and efficiently access the data.

Further for claims 5 and 15, Kosugi as modified with Eto teaches a receiving apparatus for receiving the transmitting packet having an extracting mean for extracting the editing point information and forwarding the main data and extracted

editing point information to a recording apparatus (See Kosugi Fig. 22, column 21, lines 55-68, Eto Fig. 9, column 7, lines 30 to column 8, line 20).

4. Claim 3,4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable Kosugi (WO98/54899) (U.S. patent 6.798.756 corresponds to WO 98/54890 and used as English translation for WO 98/54890) in view of Hiroshima et al (5,801,781).

Regarding claim 3 and 14, Kosugi discloses a data transmission method for transmitting a serial digital transfer interface transmission in which an interval of each line of a video frame comprises an end synchronizing code area into which an end synchronizing code is inserted, an ancillary data area into which ancillary data is inserted, a start synchronizing code area into which a start synchronizing code is inserted and a payload area into which main data comprising video data and/or audio data is inserted (Fig. 4, column 9, column 13, lines 20-25).

Kosugi fails to specifically teach inserting a count value count value counted at a picture unit for every picture unit in the payload portion .

Hiroshima teaches forming data packets for transmission , a packet having count value counted at a picture unit for every picture unit (packet sequence counter or countdown , Fig. 9) in a payload portion

It would have been obvious to one of ordinary skill in the art to modify Kosugi with Hiroshima by providing the data packet of Kosugi with count value information as first data in the payload area thereby accurately and efficiently accessing the data when needed.

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Regarding claim 4 , Kosugi as modified with Hiroshima teaches that the area within said payload area into which the data of said count value is inserted is located near the start synchronizing code area since Hiroshima teaches the area of count value located at the start of the picture unit in the payload and Kosugi teaches that the synchronization code is located at the start of the payload including picture unit .

Allowable Subject Matter

5. Claims 2, 6,13,16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 7-11 and 17-20 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The cited prior art do not teach a sound out method in which an interval of each line of a video frame comprises an end synchronizing code area into which an end synchronizing code is inserted, an ancillary data area into which ancillary data is inserted, a start synchronizing code area into which a start synchronizing code is inserted and a payload area into which first data containing main data comprising video data and/or audio data and second data containing extension data having editing point information at the picture unit of said video data are inserted, said sound output method comprising: a first step of outputting sounds based on audio data within said main data extracted from said transmission packet; a second step of detecting an editing point

from said editing point information within said extension data extracted from said transmission packet; and a third step of muting sounds outputted at said first step in correspondence with an editing point detected at said second step as being recited in claims 7 and 17.

The cited prior art do not teach a data reception method of receiving a serial digital transfer interface transmission packet in which an interval of each line of a video frame comprises an end synchronizing code area into which an end synchronizing code is inserted, an ancillary data area into which ancillary data is inserted, a start synchronizing code area into which a start synchronizing code is inserted and a payload area into which first data containing main data comprising video data and/or audio data and second data containing data of a count value counted at the picture unit of said video data at every picture unit and extension data having editing point information are inserted, said data reception method comprising: a first step of receiving said transmission packet; a second step of extracting said main data and said extension data from said transmission packet received at said first step; a third step of detecting an editing point from a discontinuity of the data of said count value within said extension data extracted at said second step; and a fourth step of correcting said editing point information within said extension data extracted at said second step in correspondence with said editing point detected at said third step as being recited in claims 9 and 19.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yonemitsu teaches an apparatus using an edit flag to control

editing of video data .Fujisaki teaches an apparatus for transmitting data in a SDDI format . Takahashi teaches using sequence packet counter for counting packets .

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T NGUYEN
PRIMARY EXAMINER